

Docket No.: 50059-048

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2881
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	:	Customer Number: 20277
	:	
Hideo SAMURA	:	Confirmation Number: 7482
	:	
Serial No.: 09/343,092	:	Group Art Unit: 2861
	:	
Filed: June 30, 1999	:	Examiner: J. Nguyen
	:	
For: HEAD FOR INK-JET PRINTER HAVING PIEZOELECTRIC ELEMENTS PROVIDED FOR EACH INK NOZZLE		

SUMMARY OF EXAMINER INTERVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following remarks are submitted in response to the Examiner Interview dated

April 13, 2004, in accord with MPEP § 713.04.

REMARKS

Participants: Judy Nguyen (Primary Examiner)(A.U. 2861)
William Pegg (Patent Attorney)(Reg. No. 42,988)

Date of Interview: April 13, 2004

Type of Interview: Telephonic

Claims Discussed: 12, in detail.

Prior Art Discussed: **Kitahara et al.** (U.S. Patent No. 6,290,340); **Sugitani et al.** (U.S. Patent No. 4,611,219)

The 35 U.S.C. § 103(a) rejection of claims 1, 4-7 and 11-12 over the above-noted prior art was very briefly discussed, but the discussion with Examiner Nguyen particularly focused on the impropriety of the rejection of claim 12. It was asserted that the previous Examiner handling this case (Examiner Dickens) had failed to establish a *prima facie* case of obviousness of claim 12 for want of a showing that all of the claim limitations are taught or suggested by the prior art.

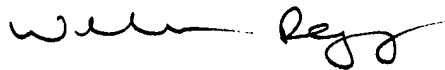
First, it was noted that Examiner Dickens acknowledges that neither **Kitahara et al.** nor **Sugitani et al.** taught an ink nozzle pitch of 20 μm , as recited in claim 12. Second, Examiner Dicken's fallacious reasoning that one of ordinary skill in the art would (1) look to **Kitahara et al.** and conclude that **Kitahara et al.**'s teaching of tapered nozzles (col. 6, lines 15-21) serves to "better facilitate flow" in an output direction; (2) conclude from **Kitahara et al.**'s teaching of tapered nozzles that spacing the nozzles closes together would also "better facilitate flow"; and (3) provide the claimed spacing of nozzles to "better facilitate flow" was underscored as being patently insufficient to sustain a conclusion of obviousness under 35 U.S.C. 103. It was asserted that the only nexus between the claimed nozzle spacing and **Kitahara et al.** was Examiner Dicken's unfounded allegation that **Kitahara et al.** is "suggestive of the claimed limitation". Reference was also made to **Kitahara et al.**'s Figures 8-9 as similarly failing to support the Examiner's allegation that **Kitahara et al.** is "suggestive of the claimed limitation", as a rough comparison of the thicknesses of various disclosed components (e.g., 100, 104, 120 discussed in col. 11, line 58 to col. 12, line 48) to the pitch of the ink nozzle openings 131 shows that the pitch between the ink nozzle openings is far greater than the claimed value of "approximately 20 μm ".

It was also asserted that, although a prior art device may be capable of being modified to run the way the apparatus is claimed, the prior art included no suggestion or motivation to do so and that the Examiner had not shown reasons why a skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would modify the prior art references in the manner claimed. It was argued that the only teaching or suggestion of the claimed ink nozzle pitch is found within the Appellant's disclosure, which was referenced as disclosing that conventional line heads or print heads have a line spacing on the order of 300 μm (providing a poorly reproduced original image), whereas the claimed pitch of the ink nozzles is "approximately 20 μm ", which provides high density and high quality printing not taught by the prior art as a whole. In particular, page 3, lines 6-10; page 7, lines 23-24; page 8, lines 20-22; and page 13, lines 15-23 of Appellant's disclosure were referenced.

Agreement on the patentability of the claims was not reached. Examiner Nguyen declined to comment on the patentability of the claim 12 at the time of the interview and instead stated that additional consideration, and possibly an additional search, would be required following submitted of formal arguments in an Appeal Brief before rendering a decision on patentability.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



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